IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.488 OF 2007

Narayan Laxman Gaikwad & Ors. ...Petitioners

V/s.

State of Maharashtra & Ors. ...Respondents

Shri.Kishor V. Tambe for Petitioners.
Ms.Mamta Sadh AGP for Respondent No.1,2,3 & 4.
Shri.Y.D. Mulani for Respondent No.6 to 10.

CORAM : V.M. KANADE, J.

DATED : 20th MARCH, 2007.

P.C.:-

1. Heard learned counsel appearing on behalf of Petitioners and learned counsel appearing on behalf of Respondents.

2. Grievance of the Petitioners herein is that by the impugned order, the Hon'ble Minister for Co-operation set aside the order of Divisional Joint Registrar and while doing so did not issue notice to the Petitioners herein. It is grievance of the Petitioners that in fact the Petitioners and Respondent Nos.12 to 14 were not made party-Respondents in the revisional application which was filed before the Hon'ble Minister for Co-operation. I have perused the order passed by

the Hon'ble Minister for Co-operation.

3. Brief facts are that by the order passed U/s.78 of Maharashtra Co-operative Societies Act, 1960, an Administrator was appointed. Petitioners challenged the said order before Divisional Joint Registrar who allowed the appeal and set aside the order of appointment of Administrator.

4. Respondents herein filed revision application U/s.154 of Maharashtra Co-operative Societies Act 1960. However, in the said revision application Petitioners, who were appellants in the appeal which was filed by them before Divisional Joint Registrar vide appeal No.155/2003, were not made party-Respondents.

5. Hon'ble Minister set aside the order of Divisional Joint Registrar and confirmed the order of appointment of Administrator and further direction was given to the Administrator to hold election and hand over charge to the newly elected body.

6. The learned counsel for the Respondents submits that the allegations which are made against the Petitioners herein are very

serious and therefore, Administrator was appointed. He further submits that on perusal of order, it indicates that it is a well reasoned order and the Hon'ble Minister has also taken into consideration the facts and term of Petitioners as members of the Managing Committee of the Society is due to expire on 31st March, 2007. He submits that Secretary of Society had intervened in the matter and the application was allowed and he duly represented the present Petitioners.

7. It is not possible to accept the submissions made by learned counsel for the Respondents. It is an admitted position that the Petitioners are not made party-Respondents in the revisional application which was filed U/s.154 of said Act. Impugned order, therefore, clearly is in breach of principles of natural justice. Impugned order is, therefore, set aside. Respondents are directed to add the Petitioners and the Respondent No.12 to 14 as party-Respondents in the revisional application which is pending before the Hon'ble Minister for Co-operation. The Petitioners and the Respondents waive service. Amendment to be carried out within one week. The Petitioners and the Respondents to appear before the Hon'ble Minister on 28th March, 2007 at 11.00 a.m. and thereafter, the revisional application may be disposed of as

expeditiously as possible and in any case within a period of two months.

8. Rule is made absolute in the above terms. Petition is, accordingly, disposed of.

V.M. KANADE, J.